

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

February 12, 2004

P. Sartorius called the meeting to order at 4:03 p.m., and roll was taken.

MEMBERS PRESENT: T. Harryman, J. Aslakson, B. Mazade, S. Warmington, P. Sartorius, T. Johnson, T. Michalski, L. Spataro

MEMBERS ABSENT: B. Smith, excused.

STAFF PRESENT: B. Lazor, C. Brubaker-Clarke, H. Griffith

OTHERS PRESENT: K. Heckema, Sterling Group; J. Boss, Sterling Group.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of January 15, 2004 was made by S. Warmington, supported by T. Johnson and unanimously approved.

ELECTION OF OFFICERS

A motion to elect P. Sartorius as Chairperson was made by J. Aslakson, supported by T. Johnson and unanimously approved.

A motion to elect J. Aslakson as Vice-Chair was made by S. Warmington, supported by T. Michalski and unanimously approved.

OLD BUSINESS

Case 2004-4: To discuss adoption of the Imagine Muskegon amendment to the Master Land Use Plan. (tabled) A staff report was provided to the commission members. The Imagine Muskegon process was derived from the Webster/Muskegon Turn-Back Committee and the 2001 Master Plan updating process. A mission statement was adopted by the Imagine Muskegon Committee (IMC) : “To gather and reflect significant community consensus for a Muskegon downtown conceptual plan that sparks the imagination of citizens and the redevelopment of the downtown.” The Imagine Muskegon process involved a wide variety a participation including business & shoreline property owners; investment & development groups; institution & government; cultural, environmental & tourism; and the general public. The process culminated in the creation of a booklet (which was provided to the commission members) that individuals and others can use when questions arise about the direction the community wishes downtown development to go. Throughout the process the Imagine Muskegon Booklet has been promoted as guide to development, not a plan. The commission members were provided with an outline of the new process for adopting plans. The Imagine

Muskegon process is invaluable to the development of Downtown Muskegon. However, as you can see, the process for adopting plans is long and very staff intensive. The booklet, in its current form, is not a plan and will require staff time to develop it into a plan. Since the City Planning Department currently has very little staff time to devote to things other than essential city functions, staff is offering alternatives to adopting the booklet as an amendment to the Master Plan: 1) The Planning Commission can hold off on proceeding until such time as Planning staff returns to normal levels and staff has time to devote to other than essential functions. 2) If money is available, the city may pursue outside sources to take the amendment through the process. 3) The Planning Commission can adopt the Imagine Muskegon Booklet (in its current form) as a set of guidelines for future development. While this does not have the same legal authority as a true amendment, it shows that the Planning Commission backs the booklet. 4) The Imagine Muskegon ideas can be integrated into the next major update to the Master Plan.

T. Johnson stated that the process is exciting. He felt that this was a little hard to fit into the Downtown Plan. With everything that is currently happening in regards with the mall site, the Downtown Plan is out of date. He felt that the Imagine Muskegon booklet was a significant starting place for an update to the Downtown Plan.

L. Spataro arrived at 4:10 p.m.

J. Aslakson ranked staff's suggestions. He felt that the 3<sup>rd</sup> suggestion was the best and the 4<sup>th</sup> suggestion was right behind it. He would rather see the commission go with the 3<sup>rd</sup> suggestion. T. Harryman asked if there should be a stipulated timeline if the commission were to recommend approval of the 4<sup>th</sup> suggestion. P. Sartorius stated that it would depend on how much is going on and if funds are available to do it. B. Mazade stated that the Master Plan should be looked at in about 10 years from the time it was approved. T. Johnson stated that the statute was amended to 5 years. T. Michalski stated that he is in favor of the 3<sup>rd</sup> and 4<sup>th</sup> suggestions provided by staff. T. Johnson stated that he is concerned with using this (legally) as a method to deny developments because the proposed development didn't meet with the guidelines if it were approved. P. Sartorius stated that the developments would need to be looked at separately. This would be a good guide and starting point for updating the other plans.

A motion that the Imagine Muskegon booklet be adopted as an informal set of guidelines and the ideas be integrated into the next major update of the City's Master Plan, was made by J. Aslakson, supported by S. Warmington and unanimously approved.

## PUBLIC HEARINGS

Hearing; Case 2004-6: Staff-initiated request to amend Section 2334 (Signs) of the Zoning Ordinance regarding prohibited and exempt signs. B. Lazor presented the staff report. Staff has looked into an issue regarding the use of utility poles to display banners. Currently, the Zoning ordinance prohibits the placement of banners on utility poles. The proposed language would provide for the allowance of "community promotional" banners on these structures. Examples are, but are not limited to "Welcome to Muskegon" or banner announcing that you have entered the "Lakeside Business District." The two proposed ordinance changes can be found as

followed in italics: 4 Prohibited Signs, (all districts). Phrasing added to the end of letter d. 5 Exempt Signs, a new m. added which also includes the first three conditions of l. describing the basic quality of the banner.

T. Johnson suggested just using the term “poles” since there may be some poles that aren’t owned by the utility companies. He also had some concerns with the requirement of an encroachment agreement due to the fact they also require insurance. He felt that this wasn’t needed. B. Mazade suggested changing it so encroachment agreements would be determined by the City Engineer if they are needed or not. J. Aslaskon asked if they would need a definition of “Community Promotional Banners”. C. Brubaker-Clarke felt that the decision could be left up to staff to decide if they are community promotional banners or not.

A motion to close the public hearing was made by B. Mazade, supported by L. Spataro and unanimously approved.

A motion that the amendment to Section 2334 (Signs) of the Zoning Ordinance regarding prohibited and exempt signs be recommended to the City Commission for approval with changes under Exempt Signs (m) reading as follows: “Community promotional banners attached to poles located on City property may be allowed by permission of the Zoning Administrator provided:” with a 4<sup>th</sup> condition being added as follows: “An agreement will be in place with the owner of the pole”, was made by T. Johnson, supported by J. Aslakson and unanimously approved.

## NEW BUSINESS

Case 2004-7: Request for site plan review for a new multiple-family housing development at property located near Bayou, Butler and Wood Sts., by John VanMeeter. B. Lazor presented the staff report. The Arbors at Jackson Hill development (Case 2002-11) was brought before the Planning Commission as a site plan review in March of 2002. The Planning Commission had approved it with conditions (the minutes from the meeting were provided to the commission members. Since it has been over one year, the Sterling group is returning to the Planning Commission for site plan approval. Staff had the following observations on the original site plan submitted to the Planning Commission. (Excerpted from 3/14/2002 Staff Report) 1) The subject property is located near Bayou, Butler and Wood Streets. The Sterling Group has a purchase agreement for the property, to build an apartment complex on the site. 2) The property was recently rezoned from RT, Two-Family Residential and B-4, General Business, to RM-1, Low Density Multiple-Family Residential. 3) The applicant is proposing 104 apartments, with a mix of one, two and three-bedroom units, on the 12 acre piece of property. This equals approx. 8 units per acre, which is lower than the permitted density of 16 units per acre under the RM-1 zoning. 4) The property is adjacent to and contains a portion of Sanford Bayou, which is below the floodplain elevation of 584 feet. This portion of the property therefore can’t be built on, although it may be used as common open space if not under water. There are also some utility easements running through the property, which have impacted the final site design and building layout. 5) Staff has reviewed the site plan and has the following comments/concerns: a) The ordinance requires that 15% of the property be dedicated to common (usable) open space. There is a play area shown on the site plan, as well as a clubhouse with some open area around it, but the site plan needs to clearly show that this requirement has been met. b) There

are no setbacks shown on the site plan. The site requires a 20-foot front setback, 30-foot rear setback and 10 and 14-foot side setbacks. c) The flood elevation for the City of Muskegon is 584 feet. The State of Michigan requires that all buildings be constructed at least one foot above this elevation. All of the proposed buildings are shown to be over one foot above flood elevation. d) The site plan shows 104 units on the site. There are 108 parking spaces (including 10 barrier-free spaces) shown on the site plan, which meets the ordinance requirement of one space per unit (and also meets the new requirement, not yet in place, of 2 spaces per unit). e) Although there is residentially-zoned property to the south, there is a large slope between the proposed development site and any homes to the south, making screening requirements unnecessary for the area. There are several businesses located to the west of the subject property, so a four-foot screen fence should be provided in this area. f) There is no note on the site plan stating that the parking and drive areas are to be paved, or that the lawn areas will be grass or ground cover. Both of these should be clearly marked on the site plan. g) The heights of the proposed buildings are shown on the site plan, but the area dimensions of the buildings are not given. h) Several dumpsters are shown on the site plan. All dumpsters need to be screened with a minimum four-foot privacy fence. i) There is one monument sign shown on the site plan. No sign details are given and will need to be provided when a sign permit is applied for from the City. The sign ordinance allows entranceway monument signs for residential developments of up to twelve (12) square feet. One sign for each major public road frontage may be provided and signs can't exceed eight feet in height. j) A landscape plan has been provided, which appears to meet ordinance requirements for number, size and species of landscape materials. Existing natural features in the sloped and wetland areas should be retained, and can also be considered in lieu of new landscaping for the site. k) There are several bump-outs in the parking and traffic circulation areas, most of which are shown to be landscaped. The bump-out near building N-1 should be landscaped as well, with low-lying vegetation so as to not block clear vision around the corner for automobile traffic. l) There has been a slight change in the breakdown of units shown on the site plan. The change does not impact the total number of units, site design or building layout, but the corrected 'Tabulated Data' has been provided for informational purposes. m) The Department of Public works has reviewed the site plan and has no outstanding issues with it. n) Staff has not yet received comments from the Fire Marshal and will bring any comments to the meeting. o) Staff has not yet received comments from the City Engineer and will bring any comments to the meeting.

The current staff observations are as follows: The applicant has indicated to staff that the new site plan was supposed to match the original submission in 2002. However, since the Sterling group has changed engineers, information that was on the original submission, has not been placed on the new site plan. The applicant has indicated that this was an oversight on their part and said that the information is supposed to be the same. Please find below, new comments in addition to the comments put forth from the 3/02 staff report: a) There are 208 parking spaces (including 10 barrier free) shown on the site plan, which meets ordinance requirements of two spaces per unit. The size appears to meet ordinance requirements but need to be clearly marked. b) Neither the heights nor the dimensions of the buildings are given on the plan. c) It appears that there are several dumpsters on the site plan. All dumpsters need to be screened with a minimum four-foot privacy fence. These also need to be clearly marked. d) There appears to be one monument sign shown on the site plan. No sign details are given and will need to be provided when a sign permit is applied for from the City. The sign ordinance allows entranceway monument signs for residential developments of up to twelve (12) square feet.

One sign for each major public road frontage may be provided and signs can't exceed eight feet in height. e) A landscape plan has not been provided, therefore staff cannot determine if it meets ordinance requirements. Existing natural features in sloped and wetland areas should be retained, and can also be considered in lieu of new landscaping for the site. f) There appear to be several bump-outs in the parking and traffic circulation areas, these should be landscaped with low lying vegetation so as not to block clear vision around the corner for automobile traffic. g) The Department of Public works has reviewed the site plan (comments received on 2/3) and has approved it with the following conditions: i) Sewer Tap/Connections to be done by contractor and water tap smaller than 4" to be done by contractor. ii) Meters to be installed in utility room/basement. iii) Submit water service detail to Public Works C/O Kelly DeFrench. h) The Fire Department has reviewed the site plan and has denied the plan and had these comments: i) Please submit more information on building heights. ii) Possible access problem for fire apparatus. iii) Proposed water main shall be looped. iv) Fire flow test shall be taken. v) Fire hydrants location and distribution shall comply with IFC 2000 appendix C. i) Staff has not yet received comments from the City Engineer and will bring any comments to the meeting. j) Police have no outstanding issues with the project. k) In summary the site plan should include: project description, parking space dimensions and drive dimensions, vicinity map, parcel dimensions, arrows showing direction of existing overland flow of storm water runoff, existing natural features including vegetation specified to be removed or retained, all water bodies and demarcation of ordinary high water mark or floodplain, existing easements, r-o-w lines, locations and dimensions of existing and proposed drives and site circulation, location of snow storage areas, location, type, height and design of all outdoor lighting, location of fire lanes, fire lock box, hydrants, standpipes and security lighting, landscape plan, and signage information. Staff recommends approval of the request with conditions.

L. Spataro asked if any of the conditions from the original approval were shown on the supplied plans. B. Lazor stated that they weren't. L. Spataro stated that he would prefer to wait until the original conditions are shown on the site plan. K. Heckema stated that some of the conditions are building permit conditions which can't be shown on a site plan. They are looking for the same type of approval they had before. L. Spataro stated that it had been 2 years since the last approval. He asked why the site plan doesn't reflect any of the conditions from then. J. Aslakson asked if any of the conditions were in the 3<sup>rd</sup> plan. B. Lazor stated that there weren't. K. Heckema stated that they understand that a sign requires a permit. The retention of the wetlands and slope can't be shown on a site plan, but they are accepting it as a condition. P. Sartorius stated that there were conditions that didn't require building permits. They are supposed to be shown on the site plan. B. Mazade stated that he had the same concerns. J. Aslakson stated that most of the conditions from the previous approval should be shown on the site plan. He suggested approval as a preliminary with the final approval going back before the Planning Commission.

A motion that the proposed site plan for a new multiple family development near Bayou, Butler and Wood Streets be tabled, was made by L. Spataro, supported by T. Michalski and approved with B. Mazade and S. Warmington voting nay.

## OTHER BUSINESS

Hackley Hospital – P. Sartorius stated that Hackley Hospital was willing to do their presentation again for any members that weren't able to make the meeting. He asked if any of the members would like to attend. J. Aslaskon and S. Warmington stated that they would like to attend. B. Mazade stated that the presentation was beneficial. T. Harryman stated that it was a good presentation. P. Sartorius stated that once he has a date and time, all the committee members for the City Commission, Planning Commission, and Historic District Commission would be notified.

2004 Workplan – The commission members were provided with a copy of the workplan. The commission members discussed the workplan. L. Spataro stated that he would like to see some things added to the list. C. Brubaker-Clarke suggested some overlay zones for the Downtown and Lakeside areas. The commission members asked that the items on the list that were completed be removed as well as removing the Rezone Division St. and Washington Ave. area as it would be addressed in another item on the list. B. Mazade stated that the rezoning of the property adjacent to the Landmark Bar (rezoning was denied) remain on the list. Update the Downtown Sub Plan and the Overlay Zones (Downtown & Lakeside Businesses) were added to the list. The commission members went over the list and picked the 4 they would each like to see done.

S. Warmington left at 5:29 p.m.

Update on Harbortowne sidewalks – B. Lazor went over a letter that was sent by the Harbour Towne Condo Association. They stated that they still have some unanswered questions and can't enter into an agreement at this time. The commission members discussed this matter.

T. Harryman left at 5:29 p.m.

2004 Workplan Continued. – B. Lazor tallied the lists. The top items are in order as follows:

#1 – Overlay Zones (Downtown & Lakeside Businesses).

#2 – Rework the Waterfront Marine District to better guide development along Muskegon Lake.

#3 – Look at rezoning the property on Sherman Blvd. adjacent to the Landmark Bar.

#3 – Rezone Area 12 (Nims area). (This was tied in votes with the one above)

Some of the other items on the list also had 1 or 2 votes.

## ADJOURN

There being no further business, the meeting adjourned at 5:32 p.m.

02/12/04